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Acting Under Authority Conferred by 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MICHAEL RICHARD LYNCH AND  
STEPHEN KEITH CHAMBERLAIN,  
Defendants.

) Case No. CR 18-577 CRB  
)  
) 1/3/2024 DECLARATION OF AUSA ROBERT S.  
) LEACH IN SUPPORT OF UNITED STATES'  
) RESPONSE TO DEFENDANTS' MOTION TO  
) COMPEL AND FOR RELATED RELIEF  
) [ECF No. 272 & 273]  
)  
) Hearing Date: January 10, 2024  
) Trial Date: March 18, 2024  
) Pretrial Conference: February 21, 2024

J. ROBERT S. LEACH, declare:

1. I am an Assistant United States Attorney (“AUSA”) in the United States Attorney’s Office for the Northern District of California. I am an AUSA assigned to this case. I submit this declaration in support of the United States’ Response to Defendants’ Motion to Compel and for Related Relief.

2. Attached as Exhibit A is a true and correct copy of a letter from me to counsel for Defendant Stephan Chamberlain, dated January 27, 2020, and the enclosed Index of Documents Produced dated January 27, 2020.

1       3.       Attached as Exhibit B is a true and correct copy of a letter from me to counsel for  
2 Defendant Michael Richard Lynch, dated May 19, 2023, and the attached Index of Documents Produced  
3 dated May 19, 2023, and Index of Additional Discovery as of May 19, 2023.

4       4.       Attached as Exhibit C is a true and correct copy of a letter from me to counsel for  
5 Defendant Michael Richard Lynch, dated June 16, 2023, and the attached Index of Documents Produced  
6 dated June 16, 2023.

7       5.       Attached as Exhibit D is a true and correct copy of an email involving me and defense  
8 counsel for Dr. Lynch.

9       6.       Since the Thanksgiving holiday, counsel for the government and counsel for Dr. Lynch  
10 have conferred repeatedly about the issues in Exhibit D. As a result of the parties' dialogue, I  
11 understand counsel for Dr. Lynch was able to locate approximately 17,194 files by searching with  
12 additional Bates-labels assigned to the documents. On November 28, 2023, and January 2, 2024, at my  
13 direction, the government re-produced approximately 864,993 files – mostly files the government  
14 understands were previously produced to Dr. Lynch in parallel litigation in the United Kingdom. In  
15 advance of the January 10, 2024 hearing, the government anticipates it will have reproduced the  
16 remainder of the materials referenced in Exhibit D – including approximately 2,490,149 files in two  
17 folders (USAO-SEC-EPROD\_20170517 and USAO-SEC-EPROD\_20170517\_2) that contain the  
18 USAO-SEC-EPROD-000473082 to USAO-SEC-EPROD-003749579 Bates-ranges disclosed to  
19 Defendant Chamberlain in January 2020 and Defendant Lynch in May 2023.

20       7.       Between the January 27, 2020 production, and his December 26, 2023 filing, counsel for  
21 Mr. Chamberlain did not suggest to the government difficulty accessing USAO-SEC-EPROD-  
22 000473082 to USAO-SEC-EPROD-003749579.

23       8.       On November 8, 2023, the government served a summary pursuant to Rule 16 of the  
24 Federal Rules of Criminal Procedure for each expert witness that it intends to call at trial in its case-in-  
25 chief. The government identified Stephen Brice, a partner with Mazars LLP in the United Kingdom. A  
26 true and correct copy of Mr. Brice's 61-page report is attached as Exhibit E.

27       9.       In addition to identifying the 3000+ exhibits marked by the government in *United States*  
28 *v. Hussain*, the government's exhibit list primarily includes (1) documents marked as exhibits to

1 witnesses statements/testimony in the parallel UK civil action, (2) public statements by Dr. Lynch and  
2 Autonomy, (3) grand jury exhibits, (4) exhibits marked by the SEC in its investigation, (5) documents  
3 underlying the government's expert report, and (6) emails involving Dr. Lynch or Chamberlain  
4 identified as significant during the government's investigation.

5 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
6 knowledge.

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8 DATED: January 3, 2024

/s/  
ROBERT S. LEACH  
Assistant United States Attorney

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